

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN SENATE JULY 11, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 581**

**Introduced by Assembly Member John A. Pérez**

***(Principal coauthors: Assembly Members Galgiani and Mitchell)***

***(Principal coauthor: Senator Alquist)***

***(Coauthors: Assembly Members Achadjian, Alejo, Allen, Ammiano, Atkins, Beall, Block, Blumenfield, Bonilla, Bradford, Buchanan, Butler, Campos, Carter, Cedillo, Chesbro, Davis, Dickinson, Eng, Fletcher, Fong, Fuentes, Gordon, Hall, Hayashi, Hueso, Lara, Ma, Mansoor, Monning, Pan, Perea, V. Manuel Pérez, Portantino, Skinner, Solorio, Swanson, Wieckowski, Williams, and Yamada)***

February 16, 2011

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An act to add and repeal Article 3 (commencing with Section 104660) of Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 581, as amended, John A. Pérez. Public health: food access.

Existing law requires the Department of Food and Agriculture, headed by the Secretary of Food and Agriculture, to promote and protect the agricultural industry of the state.

This bill would, until ~~January 1, 2015~~, *July 1, 2017*, create the California Healthy Food Financing Initiative. It would require, by July 1, 2012, the ~~Department Secretary~~ of Food and Agriculture, ~~in consultation with the State Department of Public Health and the State~~

~~Department of Social Services, to prepare recommendations, to be presented upon request to the Legislature, regarding actions that need to be taken to promote food access in the state. The bill would also establish the California Healthy Foods Financing Initiative Council and would require the Department of Food and Agriculture, in consultation with other specified agencies, council to implement the initiative and, as specified. The bill would require the department to establish an advisory group, as specified. The bill would authorize the Department of Food and Agriculture to coordinate efforts to maximize the funding opportunities provided by the federal 2010 Healthy Food Financing Initiative.~~

The bill would create the California Healthy Food Financing Initiative Fund in the State Treasury, to be comprised of federal, state, philanthropic, and private funds, for the purpose of expanding access to healthy foods in underserved communities and, to the extent practicable, to leverage other funding, as specified. Moneys in the fund would be expended upon appropriation by the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature hereby finds and declares all of
- 2     the following:
- 3     (a) California has some of the most productive farmlands in the
- 4     world. California's farmlands produce more than 350 commodities
- 5     and food items. ~~These farmlands require protection and efficient~~
- 6     ~~operations to maintain our food supply and guarantee a natural~~
- 7     ~~resource for California's future generations.~~
- 8     ~~(b) California's cultural heritage provides the basis for a variety~~
- 9     ~~of food items that are available to the state's 36 million residents.~~
- 10    ~~(c) The production and preparation of food needs to be~~
- 11    ~~conducted in a healthy and humane manner.~~
- 12    ~~(d)~~
- 13    (b) Access to healthy food items is a basic human right. Lack
- 14    of access to healthy, affordable food items may result in higher
- 15    levels of obesity and other diet-related diseases. Communities
- 16    without access to affordable, quality, and nutritious foods are
- 17    known as food deserts.
- 18    (e)

(c) Opportunities for increasing the number of grocery stores, urban and rural farm stands, farmers' markets, community gardens, direct farm to institution, and direct farmer to consumer marketing activities in underserved communities should be actively pursued and fostered to ensure that all Californians have access to healthy foods.

(d) *Ensuring access to nutritional foods for Californians who currently reside in food desert communities means improved economic health as well as boosting a community's physical health and well-being. Increasing access to healthy foods means new jobs and opportunities in the areas of food distribution, retail sales, and store management.*

SEC. 2. Article 3 (commencing with Section 104660) is added to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, to read:

Article 3. California Healthy Food Financing Initiative

104660. This article shall be known, and may be cited, as the California Healthy Food Financing Initiative.

~~104661. (a) By July 1, 2012, the Department of Food and Agriculture, in consultation with the State Department of Public Health and the State Department of Social Services, shall prepare~~

*104661. (a) There is hereby created the California Healthy Foods Financing Initiative Council, within the office of the Treasurer which shall consist of the following members:*

*(1) The Treasurer or his or her designee.*

*(2) The Secretary of Food and Agriculture or his or her designee.*

*(3) The Secretary of California Health and Human Services or his or her designee.*

*(4) The Secretary of Labor and Workforce Development or his or her designee.*

*(b) The council shall implement the California Healthy Foods Financing Initiative (CHFFI) and shall be chaired by the Treasurer or his or her designee. This initiative is intended to expand access to nutritious foods in underserved, urban, and rural communities and to eliminate food deserts in California.*

*(c) The council shall have all of the following duties:*

1     (1) *Developing financing options using public or private moneys*  
2     *and resources, to support access to healthy foods for all*  
3     *Californians.*

4     (2) *Developing program parameters, including, but not limited*  
5     *to, all of the following:*

6         (A) *Defining eligible entities for participation.*

7         (B) *Developing minimum eligibility thresholds for participation.*

8         (C) *Establishing minimum and maximum levels of financial*  
9         *assistance.*

10     (3) *Partnering with federal, state, or local government agencies,*  
11     *nonprofit organizations, and philanthropic programs to further*  
12     *the purposes of the initiative.*

13     (4) *Reviewing recommendations of the advisory group,*  
14     *established pursuant to Section 104662.*

15     (5) *Providing updates to the Legislature as requested.*

16     (d) *The council shall adopt all rules and regulations necessary*  
17     *to implement the initiative.*

18     104662. (a) *By July 1, 2012, the Secretary of Food and*  
19     *Agriculture shall prepare recommendations, to be presented upon*  
20     *request of the Legislature, regarding actions that need to be taken*  
21     *to promote food access in the state.*

22     (b) *The Secretary of Food and Agriculture may establish an*  
23     *advisory group, not to exceed 21 members, to assist the agencies*  
24     *in complying with the requirements of subdivision (a). If*  
25     *established, the advisory group shall consist of representatives*  
26     *from the Legislature, food policy advocates, representatives from*  
27     *the grocery industry and financial institutions, food systems*  
28     *researchers, representatives from the agricultural industry,*  
29     *representatives from underserved communities, and representatives*  
30     *from nonprofit and philanthropic organizations with expertise in*  
31     *this area, representatives of health care providers, and others.*

32     ~~(c) The Department of Food and Agriculture, in consultation~~  
33     ~~with the State Department of Public Health, the State Department~~  
34     ~~of Social Services, and the Treasurer, may coordinate efforts to~~  
35     ~~maximize the funding opportunities provided by the federal 2010~~  
36     ~~Healthy Food Financing Initiative.~~

37     ~~104662. (a) The Department of Food and Agriculture, in~~  
38     ~~consultation with the State Department of Public Health, the State~~  
39     ~~Department of Social Services, and the Treasurer shall implement~~  
40     ~~the California Healthy Food Financing Initiative. This initiative~~

1 is modeled after the National Healthy Food Financing Initiative,  
2 which is intended to expand access to nutritious foods in  
3 underserved, urban, and rural communities and to eliminate food  
4 deserts across the country within seven years.

5 (b) The program parameters of the California Healthy Foods  
6 Financing Initiative shall be implemented using a diverse mix of  
7 funding sources, including, but not limited to, federal, state,  
8 philanthropic, and private resources.

9 104663. (a) There is hereby established in the State Treasury  
10 the California Healthy Food Financing Initiative Fund, which shall  
11 be comprised of federal, state, philanthropic, and private funds for  
12 the purpose of expanding access to healthy foods in underserved  
13 communities.

14 (b) Moneys in the fund shall be expended upon appropriation  
15 by the Legislature, and shall be used, to the extent practicable, to  
16 leverage other funding, including, but not limited to, new markets  
17 tax credits, federal and foundation grant programs, incentives  
18 available to designated enterprise zones, the federal Specialty Crop  
19 Block Grant Program, and funding from private sector financial  
20 institutions pursuant to the federal Community Reinvestment Act.

21 104664. This article shall remain in effect only until January  
22 1, 2015, July 1, 2017, and as of that date is repealed, unless a later  
23 enacted statute, that is enacted before January 1, 2015, 2018,  
24 deletes or extends that date.